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REMARKS

Claims 1-17, 20-32, and 34-38 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,047,370 ("Grochowski"). Claims 18 and 33 stand rejected under 35 U.S.C. §103 as being unpatentable over Grochowski. Claim 19 has been objected to as being dependent on a rejected base claim.

The applicants have amended independent claim 1 to include a limitation that the altered instruction is to cause the execution unit to perform a different function than the instruction, and have amended independent claims 20, 24, 29 and 34 similarly. This limitation is not found in Grochowski. The examiner cites column 7, lines 25-26 of Grochowski as disclosing an altered instruction that causes an execution unit to perform a different function than the original function. However, that portion of Grochowski describes inserting proper predicate for a replay after a predicate misprediction, which does not provide an altered instruction to cause an execution unit to perform a different function. Providing the proper predicate is akin to providing the proper branch address or operand. The underlying instruction is not altered such that the execution unit performs a different function.

For at least the preceding reason, the applicant respectfully submits that Grochowski does not describe each and every element of any of independent claims 1, 20, 23, 29, or 34, and consequently does not describe each and every element of the claims that depend on those independent claims. Therefore, the applicants respectfully request the withdrawal of the rejections of claims independent claim 1 and its dependent claims 2-18, independent claim 20 and its dependent claims 21 and 22, independent claim 23 and its dependent claims 24-28, independent claim 29 and its dependent claims 30-33, and independent claim 34 and its dependent claim 35.

Regarding the rejections of claims 18 and 33 under 35 U.S.C. §103, they rest on the examiner's contention that "Grochowski discloses the claimed invention except for the instruction is a rounding instruction and the altered instruction is an add instruction (claim 18), and the data representing the integrated circuit comprises data representing a plurality of mask layers (claim 33)". The applicants respond that, as argued above, Grochowski does not disclose the claimed invention with or without these exceptions, so the rejections should be withdrawn.

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Regarding the objection to claim 19, it has been rewritten in independent form, so the applicants request its allowance.
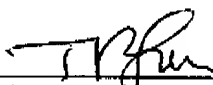
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CONCLUSION

Based on the foregoing, the applicants respectfully submit that all of the rejections have been overcome and that claims 1-35 are in condition for allowance. The applicant therefore respectfully requests the issuance of a Notice of Allowance. If there is a deficiency in fees, please charge our Deposit Account No. 50-0221.

Respectfully submitted,

Date: October 13, 2004

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